

Application No.: 10/700137

Case No.: 51474US010

REMARKS

Reconsideration and continued prosecution of this application is requested in view of the amendments above and the following remarks.

The specification is being amended to update a reference to a U.S. patent application (the cited paragraph on page 11) and to correct typographical errors (the cited paragraphs on pages 10 and 14). No new matter has been added.

Claims 1-3 and 11-13 are being amended. The amendments to claims 1 and 11 are discussed in more detail below. The amendments to claims 2, 3, 12, and 13 are simply rewriting those claims in independent form, and hence do not narrow the scope of those claims. No new matter has been added. No claims are being canceled or added. Claims 1-20 therefore remain pending in the application.

Obviousness-Type Double Patenting Rejections

The Office Action rejected all pending claims under the doctrine of obviousness-type double patenting. The rejections involved two of the patents in the priority chain of the present application, namely, U.S. Patent 6,080,467 (Weber et al.) and U.S. Patent 6,641,883 (Weber et al.), together with other references.

In response, Applicants are submitting terminal disclaimers over the '467 and '883 Weber et al. patents. Withdrawal of the rejections to claims 1-20 is requested.

§ 103 Rejections

The Office Action rejected claims 1, (5-10)/1, 11, and (15-20)/11 as obvious, pursuant to 35 USC § 103(a), in view of U.S. Patent 4,459,642 (Mori) and European Patent Application EP 404,463 A2 (Wheatley et al.).

In response, Applicants have amended claim 1 to recite "wherein the multilayer optical film reflects light over a wavelength band of interest as a function of thicknesses of the alternating layers". Support for this amendment can be found, for example, at page 8 lines 3-8 and page 34 lines 12-21. No new matter has been added. The Office Action acknowledged that Mori does not teach or suggest the use of multilayer optical films in its optical lighting device.

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Wheatley et al., on the other hand, do disclose certain multilayered reflective bodies comprising alternating layers of polymeric materials. However, Wheatley et al. teach that the alternating layers of their reflective bodies are either optically thick or optically very thin, or that a substantial majority of the layers have an optical thickness of not more than 0.09 micrometers or not less than 0.45 micrometers, or that a substantial majority of the thick layers have an optical thickness of greater than $5\lambda/4$ while a substantial majority of the very thin layers have an optical thickness of less than $\lambda/4$. See e.g. Wheatley et al. at p. 2 lines 32-53; p. 3 lines 18-23; p. 3 lines 52-55; p. 4 lines 34-37 and 42-45; p. 4 line 55 to p. 5 line 1; and p. 5 line 28 to p. 6 line 41. In this way, Wheatley et al. teach that the reflected wavelength of light from their multilayer polymeric body is independent of both individual layer and total structure thickness over a wide processing range. See Wheatley et al. at p. 6 lines 19-20.

Claim 1 has been amended to recite that the multilayer optical film reflects light over a wavelength band of interest as a function of thicknesses of the alternating layers. This can occur, for example, where the multilayer optical film has a quarterwave stack design. See, e.g., page 8 lines 3-8. Since the recited limitation is contrary to the teachings of Wheatley et al., and since Mori provides no teaching of any multilayer optical film, the rejection of claim 1, and of its dependent claims (5-10)/1, should be withdrawn.

Like claim 1, independent claim 11 has also been amended to recite "wherein the multilayer optical film reflects light over a wavelength band of interest as a function of thicknesses of the alternating layers". Using the same reasoning set forth above in connection with claim 1, the rejection of claim 11, and its dependent claims (15-20)/11, should be withdrawn.

The Office Action also rejected claims 4 and 14 as obvious in view of U.S. Patent 4,459,642 (Mori), European Patent Application EP 404,463 A2 (Wheatley et al.), and U.S. Patent 3,610,729 (Rogers).

In response, Applicants note that claims 4 and 14 include all the elements of amended claims 1 and 11, respectively, and are submitted to be patentable at least for that reason. Withdrawal of the rejection is requested.

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CONCLUSION

In view of the foregoing, the application is submitted to be in condition for allowance.
Reconsideration of the application is requested.

Respectfully submitted,

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Date

By: Stephen C. Jensen
Stephen C. Jensen, Reg. No.: 35,207
Telephone No.: (651) 736-3369

Office of Intellectual Property Counsel
3M Innovative Properties Company
Facsimile No.: 651-736-3833